

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3197 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

PRAVINKUMAR G CHAVDA

Versus

DEVELOPMENT COMMISSIONER

Appearance:

NOTICE SERVED for Petitioners
GOVERNMENT PLEADER for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 02/03/2000

ORAL JUDGEMENT

Initially, this petition came to be filed by learned counsel Mr. Jayant Patel for the petitioners. While admitting the matter on 3.5.1989, ad-interim relief was granted, which came to be extended from time to time

and ultimately on 16.6.1989, it came to be extended till further orders. However, when matter came up on 11.12.1989, learned counsel Mr. Jayant Patel sought permission to withdraw his appearance on behalf of the petitioners. He further intimated that by Regd.A.D. Letter, he had also intimated the petitioners about the same. Hence, permission was granted and simultaneously, office was also directed to inform the petitioners about the fact of withdrawal of appearance by learned counsel Mr. Jayant Patel. Vide said order, ad-interim relief was extended till 17.1.1990. Thereafter, when matter came up on board on 23.4.1991, the following order came to be passed by this Court (Coram: Y.B.Bhatt, J) :-

" Rule has already been issued in this matter on 3rd May 1989. By further order dated 11th December 1989, ad-interim relief was continued only upto 17th January 1990. Thus, today there is no interim relief and the matter is pending for final hearing. This matter, therefore, requires no further orders."

Today, when matter came up for hearing and matter was called out, nobody appears. Matter pertains to recruitment of drivers in District Panchayat, Sabarkantha at Himmatnagar. Annexures to the petition indicate that Select List was prepared. It is the say of the petitioners that recruitment procedure is not properly followed and basic rules are violated in preparing Select List for the post of drivers. Nobody is present to enlighten this Court about the latest position in the matter. So, it is difficult to assume or presume anything against or in favour of the petitioners.

Under the circumstances, without going into the merits of the matter and looking to the long lapse of time, I am of the view that present petition must have become infructuous and that is why nobody has remained

present to enlighten the Court about the latest position in the matter.

In the result, petition is dismissed as having become infructuous. Rule is discharged. No order as to costs. Liberty to revive this petition in case of extreme difficulties.

[C.K. BUCH, J]

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